

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

TIMOTHY CROWLEY,

Defendant.

DECISION AND ORDER
07-CR-37S

1. On February 13, 2007, Defendant Timothy Crowley and co-Defendant Peter Giglia were charged in a two-count indictment with violating 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), and 846, conspiracy to possess with intent to distribute, and to distribute 500 grams of more of a substance containing cocaine. (Docket No. 70).

2. On May 23, 2007, Defendant Crowley filed a Motion seeking to suppress intercepted telephone conversations between Crowley and Giglia. (Docket No. 81).

3. On November 19, 2007, the Honorable Hugh B. Scott, United States Magistrate Judge, filed a Report and Recommendation recommending that Defendant's Motion to Suppress the intercepted telephone conversations be denied. (Docket No. 92).

4. On November 28, 2007, Defendant Crowley filed a Motion for an Extension of Time to File Objections. (Docket No. 93). On December 6, 2007, this Court entered an Order granting the request for an extension of time, and making any objections to the R&R due by January 22, 2008. (Docket No. 94).

5. On January 23, 2008, Defendant Crowley had not filed objections to the R&R, and the Government filed a Motion to Set a Trial Date. (Docket No. 95). This Court has not received objections to the Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 58.2(a)(3).

6. This Court has carefully reviewed *de novo* Judge Scott's November 19, 2007, Report and Recommendation. Upon due consideration, this Court finds no legal or factual error in Judge Scott's Report and Recommendation, and it concurs in his conclusions. Accordingly, this Court will accept Judge Scott's Report and Recommendation in its entirety, and deny Defendant Crowley's Motion to Suppress.

IT HEREBY IS ORDERED, that this Court accepts Judge Scott's November 19, 2007, Report and Recommendation (Docket No. 92) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that Defendant Crowley's Motion seeking to suppress the intercepted telephone conversations (Docket No. 81) is DENIED.

SO ORDERED.

Dated: February 13, 2008
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge